

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SARAH M. OWENS,	)	Civil No. 06CV2597WQH(RBB)
	)	
Plaintiff,	)	CASE MANAGEMENT CONFERENCE
	)	ORDER REGULATING DISCOVERY AND
v.	)	OTHER PRETRIAL PROCEEDINGS
	)	
CREDITOR'S INTERCHANGE, MR.	)	(Rule 16, Fed.R.Civ.P.)
ODELL, MATT THOMPSON, and CHASE	)	(Local Rule 16.1)
MANHATTAN BANK,	)	
	)	
Defendants.	)	
_____	)	

Pursuant to rule 16 of the Federal Rules of Civil Procedure, a case management conference was held on February 2, 2007. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing,

IT IS HEREBY ORDERED:

1. All discovery shall be completed by all parties on or before October 8, 2007. All motions for discovery shall be filed no later than thirty (30) days following the date upon which the event giving rise to the discovery dispute occurred. For oral discovery, the event giving rise to the discovery dispute is the completion of the transcript of the affected portion of the

1 deposition. For written discovery, the event giving rise to the  
2 discovery dispute is the service of the response. All  
3 interrogatories and document production requests must be served by  
4 August 6, 2007.

5 2. Plaintiff(s) shall serve on all other parties a list of  
6 expert witnesses whom Plaintiff(s) expect(s) to call at trial by  
7 August 6, 2007. Defendant(s) shall serve on Plaintiff(s) a list of  
8 expert witnesses Defendant(s) expect(s) to call at trial by  
9 September 3, 2007. Each party may supplement its designation in  
10 response to the other party's designation no later than September  
11 17, 2007. The parties must identify any person who may be used to  
12 present evidence pursuant to Rules 702, 703 or 705 of the Federal  
13 Rules of Evidence. This requirement is not limited to retained  
14 experts. The designation(s) shall comply with rule 26(a)(2) of the  
15 Federal Rules of Civil Procedure and be accompanied by a written  
16 report prepared and signed by each witness, including in-house or  
17 other witnesses providing expert testimony. The failure to fully  
18 comply with these requirements may result in the exclusion of  
19 expert testimony.

20 3. Any motion to join other parties, to amend the pleadings  
21 or to file additional pleadings shall be filed and heard on or  
22 before July 9, 2007.

23 4. All other pretrial motions must be filed on or before  
24 November 5, 2007. Please be advised that counsel for the moving  
25 party must obtain a motion hearing date from the law clerk of the  
26 judge who will hear the motion. **Be further advised that the period**  
27 **of time between the date you request a motion date and the hearing**  
28 **date may vary from one district judge to another. Please plan**

1 accordingly. For example, you should contact the judge's law clerk  
2 in advance of the motion cutoff to calendar the motion. Failure to  
3 timely request a motion date may result in the motion not being  
4 heard.

5 Questions regarding this case should be directed to the  
6 judge's law clerk. The Court draws the parties' attention to Local  
7 Rule 7.1(e)(4) which requires that the parties allot additional  
8 time for service of motion papers by mail. Papers not complying  
9 with this rule shall not be accepted for filing.

10 Briefs or memoranda in support of or in opposition to any  
11 pending motion shall not exceed twenty-five (25) pages in length  
12 without leave of the judge who will hear the motion. No reply  
13 memorandum shall exceed ten (10) pages without leave of the judge  
14 who will hear the motion.

15 5. Further settlement conferences shall be held at  
16 appropriate intervals during the course of the litigation in the  
17 chambers of Judge Ruben B. Brooks. A further settlement conference  
18 shall be held on June 20, 2007, at 10:00 a.m. A mandatory  
19 settlement conference date will be set at one of the scheduled  
20 settlement conferences.

21 All parties, claims adjusters for insured Defendants and non-  
22 lawyer representatives with complete authority to enter into a  
23 binding settlement, as well as the principal attorneys responsible  
24 for the litigation, must be present and legally and factually  
25 prepared to discuss and resolve the case at the mandatory  
26 settlement conference and at all settlement conferences. Retained  
27 outside corporate counsel shall not appear on behalf of a  
28 corporation as the party representative who has the authority to

1 negotiate and enter into a settlement. Failure to attend or obtain  
2 proper excuse will be considered grounds for sanctions.

3 If Plaintiff is incarcerated in a penal institution or other  
4 facility, the Plaintiff's presence is not required at conferences  
5 before Judge Brooks, and the Plaintiff may participate by  
6 telephone. In that case, defense counsel is to coordinate the  
7 Plaintiff's appearance by telephone.

8 **Confidential written settlement statements for the mandatory**  
9 **settlement conference shall be lodged directly in the chambers of**  
10 **Judge Brooks no later than five court days before the mandatory**  
11 **settlement conference.** The statements need not be filed with the  
12 Clerk of the Court or served on opposing counsel. The statements  
13 will not become part of the court file and will be returned at the  
14 end of the conference upon request. Written statements may be  
15 lodged with Judge Brooks either by mail or in person.

16 Any statement submitted should avoid arguing the case.  
17 Instead, the statement should include a neutral factual statement  
18 of the case, identify controlling legal issues, and concisely set  
19 out issues of liability and damages, including any settlement  
20 demands and offers to date and address special and general damages  
21 where applicable.

22 If appropriate, the Court will consider the use of other  
23 alternative dispute resolution techniques.

24 6. No Memoranda of Law or Contentions of Fact are to be  
25 filed if this case is tried to a jury. If this case is tried to  
26 the Court, counsel shall serve on each other and file with the  
27 Clerk of the Court their memoranda of contentions of fact and law  
28 in compliance with Local Rule 16.1(f)(2) on or before February 25,

1 2008. In any event, on or before this date, all parties or their  
2 counsel shall also fully comply with the pretrial disclosure  
3 requirements of rule 26(a)(3) of the Federal Rules of Civil  
4 Procedure.

5 7. Counsel shall confer and take the action required by  
6 Local Rule 16.1(f)(4) on or before March 1, 2008. The parties  
7 shall meet and confer and prepare a proposed pretrial order. A  
8 personal meeting between an incarcerated Plaintiff, acting in pro  
9 per, and defense counsel is not required.

10 At this meeting, counsel shall discuss and attempt to enter  
11 into stipulations and agreements resulting in simplification of the  
12 triable issues. Counsel shall exchange copies and/or display all  
13 exhibits other than those to be used for impeachment, lists of  
14 witnesses and their addresses including experts who will be called  
15 to testify and written contentions of applicable facts and law.  
16 The exhibits shall be prepared in accordance with Local Rule  
17 16.1(f)(2)(c). Counsel shall cooperate in the preparation of the  
18 proposed final pretrial conference order.

19 8. The proposed final pretrial conference order, including  
20 objections to any party's Fed. R. Civ. P. 26(a)(3) pretrial  
21 disclosures, shall be prepared, served and lodged with the Clerk of  
22 the Court on or before March 3, 2008, and shall be in the form  
23 prescribed in and in compliance with Local Rule 16.1(f)(6).  
24 Counsel shall also bring a court copy of the pretrial order to the  
25 pretrial conference.

26 9. The final pretrial conference shall be held before the  
27 Honorable William Q. Hayes, United States District Judge, on March  
28 10, 2008, at 11:00 a.m.

1           10. The dates and times set forth herein will not be modified  
2 except for good cause shown.

3           11. Plaintiff's(s') counsel shall serve a copy of this order  
4 on all parties that enter this case hereafter.

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6 Dated: February 2, 2007

  
RUBEN B. BROOKS  
United States Magistrate Judge

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cc: All Parties of Record

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**CASE RESOLUTION GUIDELINES**

**Attendance**

All parties and claims adjusters for insured Defendants and representatives with complete authority to enter into a binding settlement, as well as the principal attorney(s) responsible for the litigation, must be present and legally and factually prepared to discuss and resolve the case. Failure to attend or obtain proper excuse will be considered grounds for sanctions.

**Case Resolution Conference Briefs**

Written statements shall be lodged in the chambers of Judge Brooks no later than five court days before the scheduled conference. The statements will not become part of the court file and will be returned at the end of the conference. Written statements may be submitted on a confidential basis and lodged with Judge Brooks either by mail or in person.

Any statement submitted should avoid arguing the case. Instead the statement should include a neutral factual statement of the case and concisely set out issues of liability and damages, including any settlement demands and offers to date, and address special and general damages where applicable.

If appropriate, the court will consider the use of other alternative dispute resolution techniques.

If you have any further questions, please feel free to contact my research attorney, at (619) 557-3404.